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April 7, 2020

VIA ECF

Hon. Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Daniel Kleeberg, Lisa Stein and Audrey Hays v. Lester Eber, et al.*
Civ. Action No.: 16-cv-09517-LAK-KHP

Dear Magistrate Parker:

It is with a heavy heart that I write to inform the Court and counsel that on April 5, 2020, Lester Eber passed away from complications associated with COVID-19.

The Eber family is understandably in mourning, and focused on funeral arrangements for Mr. Eber. As such, we have not had an opportunity to discuss in any depth the impact that Mr. Eber's death will have on the pending litigation.

That said, it is our understanding that Mr. Eber had a Last Will and Testament, which ostensibly will be subject to probate in the Monroe County Surrogate's Court. It is our further understanding that Wendy Eber is designated as the Executor of Lester Eber's Estate. However, until she is formally appointed by the Surrogate's Court, she is unable to act on behalf of the Estate of Lester Eber, or bind it in any way.

To that end, counsel for both plaintiffs and the Estate of Gumaer have requested that the Eber Defendants consent to the settlement reached between those parties, as well as consent to have Your Honor decide plaintiffs' motion to approve the dismissal of derivative claims in connection with the settlement. In light of Mr. Eber's passing, we are unable to consent to either request at this time.

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Once Wendy Eber is appointed as Executor, we can begin the process of substituting the Estate of Lester Eber as a defendant, as well as addressing other procedural requirements. We appreciate the understanding and patience of the Court and counsel as we work through these necessary steps.

Respectfully submitted,

s/Colin D. Ramsey

Colin D. Ramsey

CDR:

cc: Brian C. Brook, Esq. (*via ECF*)
Robert Calihan, Esq. (*via ECF*)